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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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7590	02/02/2004			
EXAMINER				
TAMAI, KARL I				
ART UNIT		PAPER NUMBER		
2834				

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FAY, SHARPE, BEALL, FAGAN,
MINNICH & MCKEE

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

"DOCKETED"

Office Action Summary	Application No.	Applicant(s)
	09/831,287	PETER ET AL.
	Examiner Tamai IE Karl	Art Unit 2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11/20/2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,11-18 and 20-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,11-18 and 20-29 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 August 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____ .
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . 6) Other: _____ .

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DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the stator supported exclusively by the base plate and the stator supported without connection to the housing the stator supported exclusively by the base plate must be shown or the features canceled from the claims. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because of the legal language "said drive". Correction is required. See MPEP § 608.01(b).

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4. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1, 11-18, and 20-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Claims 1, 11-18, and 20-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification does not enable or contain a full, clear, concise, and exact written description of the stator supported exclusively by the base plate and the stator supported without connection to the housing. The stator clearly is supported by the non-rigid connection 12 to the shaft support 15, which is part of the housing 3. The

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specification page 3, line 13 particularly defines the connection as reducing the torque transmissions, which means that some torque is transmitted through the coupling. Therefore the claims are not supported or enabled by the specification.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1, 12-17, and 19-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 12-17, 19-29 are vague and indefinite because it is unclear how the stator can be retained by the shaft support or have a flexible couple with the shaft support, while at the same time being solely supported by the base plate. If there is a connection between the stator and shaft support then the base plate is not the sole/exclusive support.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 11, 12, 15-18, 24, and 26-29 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by von der Heide et al. (von der Heide)(US 4,647,803). Von der Heide teaches an electromotive drive with a housing 26 having a stator mounted around

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but not in contact with the shaft support 22. The stator being supported solely and exclusively by the baseplate 20, which inherently includes a torque transmission couple from the mating surface of the shaft support. The stator having an o-ring 54 in a groove 55 to reduce noise.

11. Claims 11 and 18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Maughan et al. (Maughan)(US 5,365,388). Maughan teaches an electromotive drive with a housing 42 having a stator mounted around but not in contact with the shaft support and connected to the housing only through the baseplate 17, which is connected to the housing by a torque coupling screw.

12. Claims 11 and 18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Takahashi (JP 05-199,721). Takahashi teaches an electromotive drive 9 with a housing 6 having a stator 10 mounted around but not in contact with the shaft support 7. The stator being supported solely and exclusively by the baseplate 20, which includes a torque transmission couple 15 at surface of the housing.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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14. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (JP 05-199,721), in further view of von der Heide et al. (von der Heide)(US 4,647,803). Takahashi teaches every aspect of the invention except a resilient member between the stator and the shaft support which supports on the stator only transverse to the support shaft. Von der Heide teaches a resilient member between the stator and the shaft support to reduce noise, which only supports the stator transverse to the shaft support. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Takahashi with the resilient member of Von der Heide to reduce noise.

15. Claims 13, 14, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over von der Heide et al. (von der Heide)(US 4,647,803), in further view of Norton et al. (Norton) GB 2,293,695). Von der Heide teaches every aspect of the invention except a viscous medium or grease in the gap. Norton teaches that grease (a viscous medium) is used to dampened vibration with the stator support. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of von der Heide with the gap having grease to reduce vibrations.

16. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over von der Heide et al. (von der Heide)(US 4,647,803), in further view of Komatsu (JP 09-149,602). Von der Heide teaches the circuit board is extrusion coated to absorb sound.

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Von der Heide teaches every aspect of the invention except a base with a punch out grip and a torque coupling means to ground the stator. Komatsu teaches the stator grounded through a circuit board base with a punch out grid by a conductor tract and to the housing by terminals 8. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of von der Heide with the stator grounded through a circuit board base to reduce harmful electromagnetic noise as taught by Komatsu.

17. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over von der Heide et al. (von der Heide)(US 4,647,803) and Komatsu (JP 09-149,602). Von der Heide and Komatsu teach every aspect of the invention except the plastic extrusion coating. Von der Heide teaches the circuit board is coated with polyurethane, but does not teach the coating being plastic. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Von der Heide and Komatsu with a plastic coating because it has been held that selection of the material based on intended use is within the ordinary skill in the art (see *In re Leshin*, 125 USPQ 416).

Response to Arguments

18. Applicant's arguments filed November 20, 2003 have been fully considered but they are moot in view of the new ground of rejection.

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19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai whose telephone number is (703) 305-7066 until February 1, 2004, or at (571) 272-2036 after February 2, 2004.

The examiner can be normally contacted on Monday through Friday from 8:00 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nestor Ramirez, can be reached at (703) 308-1371. The facsimile number for the Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Karl I Tamai
PRIMARY PATENT EXAMINER
January 25, 2004


KARL TAMAI
PRIMARY EXAMINER